



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: November 1, 2018

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Amaranth Farms Conditional Use Permit**
Record Number: PLN-10659-CUP
Assessor's Parcel Number (APN) 221-161-040
6191 Doodyville Road, Ettersburg area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
Maps	
Topo Map	7
Zoning Map	8
Aerial Map	9
Site Plans	10
Attachments	
Attachment 1: Recommended Conditions of Approval	12
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	20
Attachment 3: Applicant's Evidence in Support of the Required Findings	37
Attachment 4: Referral Agency Comments and Recommendations	64

Please contact Meghan Ryan, Senior Planner, at 707-445-7541 or by email at vendorlaco3@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 1, 2018	Subject Conditional Use Permit and Special Permit	Contact Meghan Ryan
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Project Description: A Conditional Use Permit for 43,560 square feet of outdoor cannabis cultivation and a Special Permit to reduce the 600-foot setback to adjacent public lands. There are six cultivation areas that the applicant is proposing to consolidate into one primary location and three greenhouses on the subject parcel. The proposed processing facility is 165 feet to the southwest of an undeveloped parcel owned by the State Lands Commission and the relocation area is approximately 400 feet to the southwest of the adjacent parcel. A 1,000-square-foot nursery greenhouse will utilize mixed light to augment natural light for 4 hours per day from March to June. The proposed project operations occur year round with cultivation activities occurring from March to October. The applicant is proposing 1 harvest annually. Approximately 1.4213 acre-feet (or 463,132 gallons) of water is required annually to meet operational needs. Water for domestic and irrigation use is sourced from two unnamed springs, proposed 500,000-gallon rainwater catchment pond, and a proposed well. Currently, water storage totals 8,500 gallons in hard-sided tanks for all uses. Processing, including drying and trimming, is completed in an existing on-site barn. The applicant is proposing a 1,800-square-foot metal building for processing activities. A maximum of 5 employees are required during peak operations. Electricity is provided by a propane generator and a solar system.

Project Location: The project is located in Humboldt County, in the Ettersburg area, on the south terminus of Doodyville Road, approximately .17 miles south from the intersection of Doodyville Road and Doody Ridge Road, on the property known to be in Section 29 of Township 03 South, Range 02 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture, 40 acres per dwelling unit (RA40); Density: 160 to 20 acres per dwelling unit, Humboldt County General Plan 2017; Moderate Slope Instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-10659-CUP

Assessor's Parcel Number: 221-161-040

Applicant Amaranth Farms 1100 Main Street, Suite D2 Fortuna, CA 95540	Owner Thomas & Karen Hessler P.O. Box 802 Redway, CA 95560	Agent Same as Applicant
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Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities), Section 15303 (New Structures or Conversions of Small Structures), Section 15304 (Minor Alterations to Land) and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) State Guidelines.

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

Major Issues: None.

Amaranth Farms
Record Number: PLN-10659-CUP
Assessor's Parcel Number: 221-161-040

Recommended Commission Action:

1. Describe the application as part of the consent agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the project exempt from environmental review pursuant to Sections 15301, 15303, 15304 and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Amaranth Farms project subject to the recommended conditions.

Executive Summary: Amaranth Farms seeks approval of a Conditional Use Permit for an existing outdoor commercial cannabis cultivation of 43,560 square feet and a proposed processing facility located on Assessor's Parcel Number (APN) 221-161-040, which is approximately 42 acres in size. The site is currently developed with a primary single family residence, cabin, cultivation sites, an agricultural shed and an outhouse. A Special Permit is also requested for a waiver of the 600 foot setback from public lands. The cultivation site will be less than 450 feet from an adjacent parcel owned by the State Lands Commission. The State Lands Commission

Cultivation activities extend from March to October. Juvenile plants are propagated onsite from seeds or clones purchased from a licensed nursery. Seedlings and clones are placed in the 1,000-square-foot nursery greenhouse. Supplemental lighting will be used in the nursery greenhouse up to 4 hours per day from March to June when plants are moved to the outdoor cultivation area. There will be one harvest annually in October. Once harvested, plants are dried on-site for 7 to 10 days and will be taken to a licensed processing facility until the applicant can provide the Department of Environmental with a site suitability analysis showing the existing Onsite Wastewater Treatment System (OWTS) has the capacity to serve the additional persons on-site for cultivation and processing activities. The applicant indicated five employees are required annually to meet operational needs.

The project site currently contains six separate cultivation areas. The applicant is proposing to relocate two cultivation areas from the upper cultivation areas to a centrally located outdoor cultivation area and to proposed greenhouses located in the central area of the subject parcel. Reorganization of the cultivation areas will allow for additional distance between marbled murrelet habitat located over a ½ mile west of the subject parcel and decrease overall disturbance on the subject parcel. Conditions of approval require the applicant to the applicant shall submit restoration plan prepared by a qualified that describes area(s) to be restored and methods of restoration prior to relocating the cultivation areas. The restoration plan shall also include a discussion of where the cultivation area(s) will be relocated on the subject parcel and why that location is environmentally superior to the current location.

Water for domestic and irrigation uses is provided from two unnamed springs, proposed 500,000-gallon rainwater catchment pond, and a proposed well. Approximately 1.4213 acre-feet (or 463,132 gallons) of water is required annually to meet operational needs. Currently, water storage totals 8,500 gallons in hard-sided tanks for all uses. The applicant is required to notify the California Department of Fish and Wildlife (CDFW) regarding the points of diversion and construction of the water storage pond. The applicant is required to adhere to CDFW forbearance requirements to comply with the Commercial Medical Land Use Ordinance (CMMLUO) and obtain appropriate water rights for water storage. All

irrigation usage will be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations.

A Special Permit is also requested for a waiver of the 600 foot setback from public lands. Although the lands are not managed for open space or wildlife purposes, Planning staff included the Special Permit as a public agency owns the adjacent parcel. The cultivation site will be less than 450 feet from an adjacent parcel owned by the State Lands Commission. The State Lands Commission owns properties throughout California. In a conversation with Jim Porter, Public Land Management Specialist, on October 10, 2018, Mr. Porter indicated the State Lands Commission currently owns approximately 460,000 acres down from 5 million when lands were first given in the 1860s. In the 1980s, the State Lands Commission set aside lands that would be sold to benefit retirement funding for teachers, much of which has been sold. There are scattering of lands throughout California still under the ownership of the State Lands Commission, including four parcels near the Ettersburg area, including one parcel within 600 feet of the proposed cultivation site. Mr. Porter stated the State Lands Commission does not object to the setback reduction.

The project site is accessed from Doodyville Road, which has a private road association, and is located approximately 6.5 miles from the intersection of Doodyville Road and Ettersburg Road. Vehicle access to the property is through a locked gates equipped with motion sensor cameras. Sufficient area on the subject exists for parking area(s) that will adequately serve the parking needs of the site. The applicant submitted a Road Evaluation Report stating that Doodyville Road is developed to the equivalent of a road Category 4 standard. A condition of approval has been added to require that an engineer evaluate the road and that any required improvements are implemented.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) because they can be considered to be an "Existing Facility" per Section 15301, the proposed processing facility is considered "New Construction or Conversion of Small Structures" per Section 15303 and proposed on-site relocation would be a "Minor Alteration to Land" as defined by Section 15304 and a "Small Habitat Restoration Project" because it would involve "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes" and "a project less than five acres in size to assure the restoration of habitat for fish, plants, or wildlife."

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the conditional use permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is Categorically Exempt under the three Exemption Classes stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-
Record Number: PLN-10659-CUP
Assessor's Parcel Number: 221-161-040**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Amaranth Farms Conditional Use Permit and Special Permit request.

WHEREAS, Amaranth Farms, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of existing 43,560 square feet of outdoor cannabis cultivation. A 1,000-square-foot nursery greenhouse will utilize mixed light to augment natural light for 4 hours per day from March to June. The proposed project operations occur year round with cultivation activities occurring from March to October with one harvest annually. A maximum of 5 employees are required during peak operations. The project includes a Special Permit to reduce the 600-foot setback to adjacent public lands; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the project is exempt from environmental review per Section 15301 (Existing Facilities), Section 15303 (New Structures or Conversions of Small Structures), Section 15304 (Minor Alterations to Land) and Section 15333 (Small Habitat Restoration); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Record Number: PLN-10659-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 1, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The project is categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities), Class 3, Section 15303 (New Structures or Conversions of Small Structures), Class 4, Section 15304 (Minor Alterations to Land) and, Class 33, Section 15333 (Small Habitat Restoration) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report for Record Number: PLN-10659-CUP and support approval of the project based on the submitted substantial evidence; and
3. Conditional Use Permit and Special Permit Record Number: PLN-10659-CUP is approved as recommended and conditioned in Attachment 1 for Record Number: PLN-10659-CUP.

Adopted after review and consideration of all the evidence on November 1, 2018.

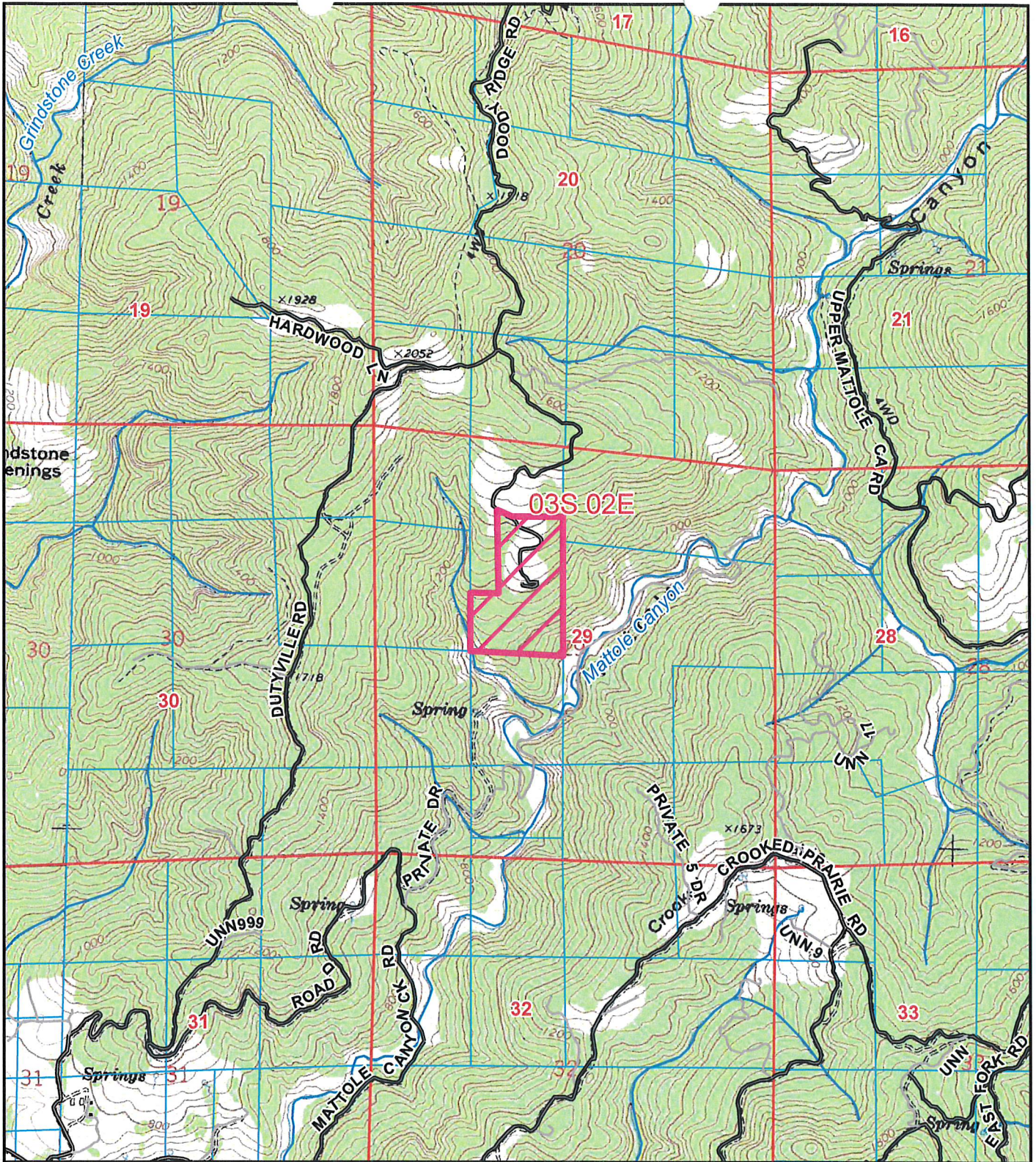
The motion was made by Commissioner _____ and seconded by Commissioner _____

AYES: Commissioners:
NOES: Commissioners:

ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

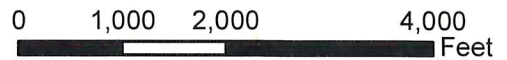


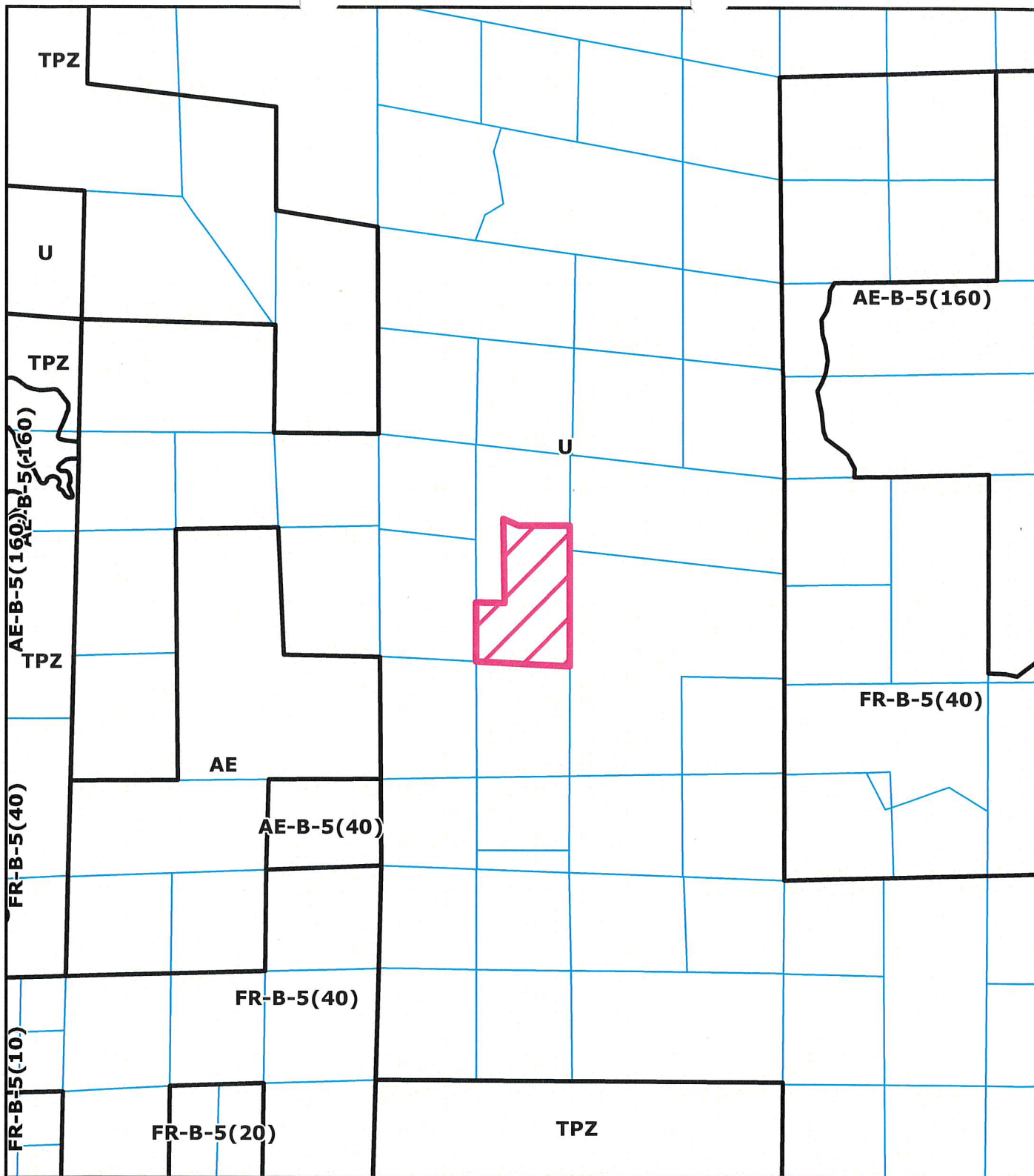
Project Area = 

TOPO MAP
PROPOSED AMARANTH FARMS
ETTERSBURG AREA
CUP-16-047
APN: 221-161-040
T03S R02E S29 HB&M (ETTERSBURG)



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





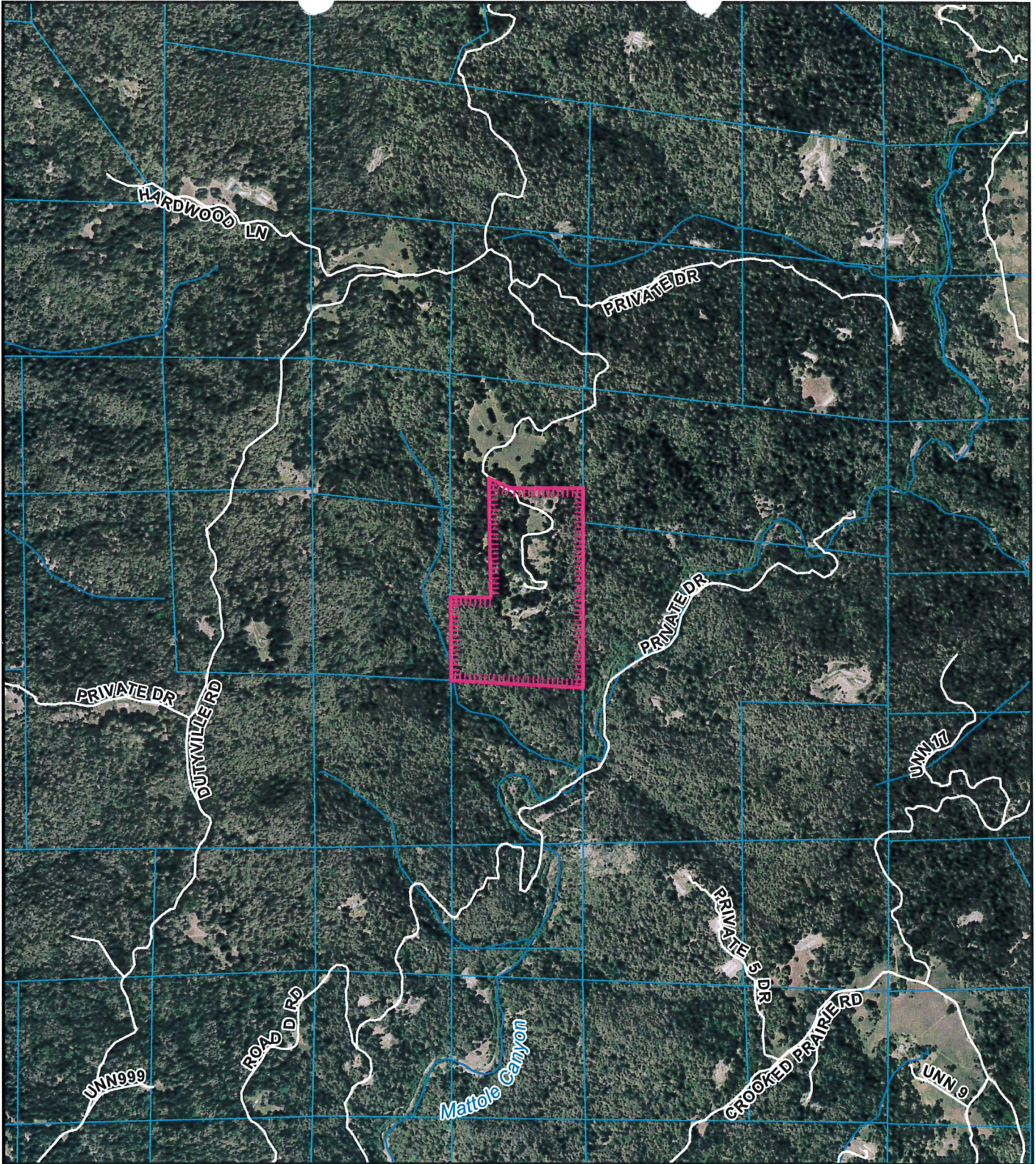
Project Area = 

**ZONING MAP
 PROPOSED AMARANTH FARMS
 ETTERSBURG AREA
 CUP-16-047
 APN: 221-161-040
 T03S R02E S29 HB&M (ETTERSBURG)**



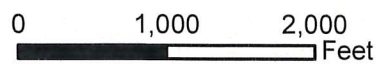
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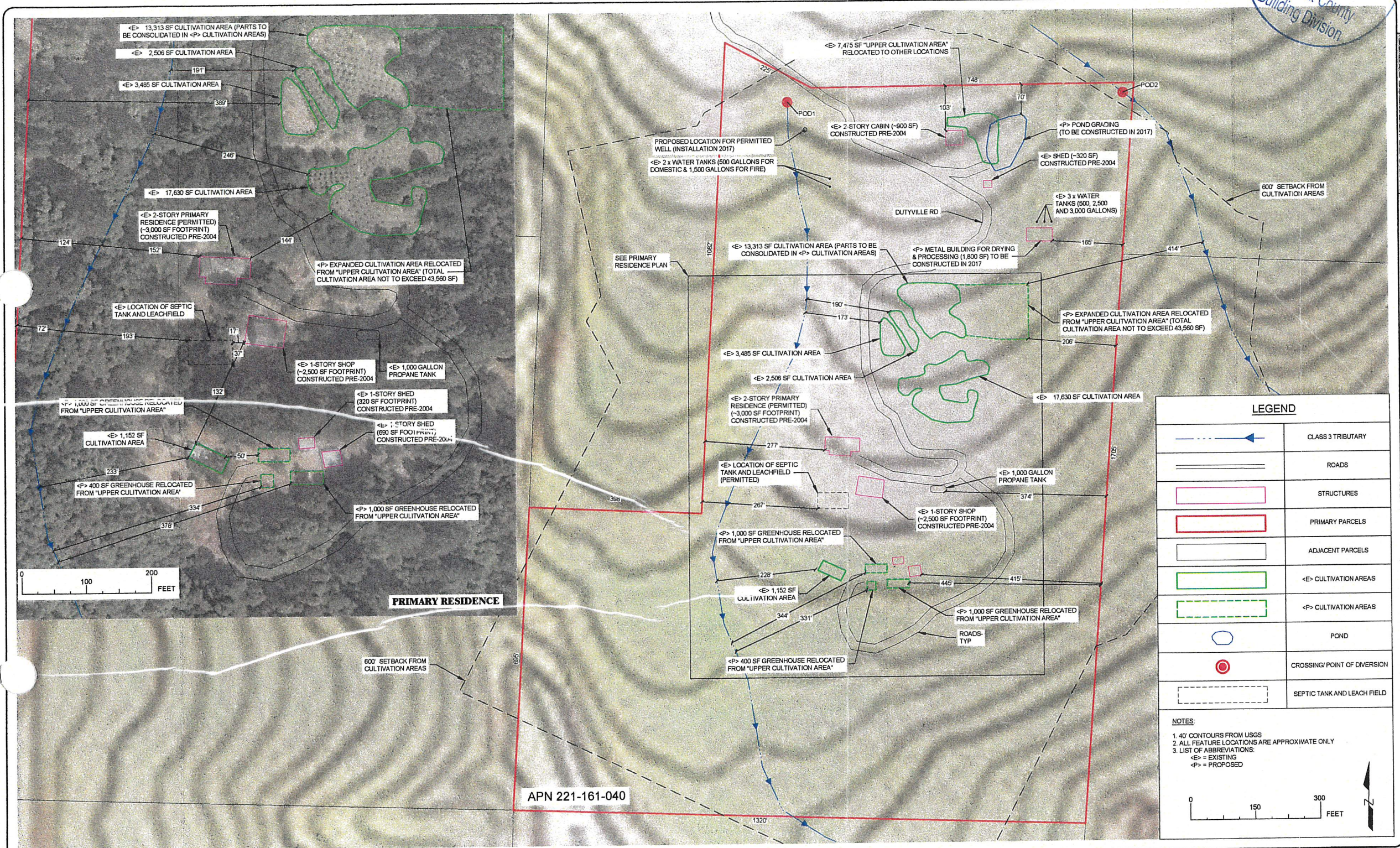
AERIAL MAP
PROPOSED AMARANTH FARMS
ETTERSBURG AREA
CUP-16-047
APN: 221-161-040
T03S R02E S29 HB&M (ETTERSBURG)

Project Area = 



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

RECEIVED
 JUN 13 2017
 Humboldt County
 Building Division



LEGEND	
	CLASS 3 TRIBUTARY
	ROADS
	STRUCTURES
	PRIMARY PARCELS
	ADJACENT PARCELS
	<E> CULTIVATION AREAS
	<P> CULTIVATION AREAS
	POND
	CROSSING/ POINT OF DIVERSION
	SEPTIC TANK AND LEACH FIELD

NOTES:
 1. 40' CONTOURS FROM USGS
 2. ALL FEATURE LOCATIONS ARE APPROXIMATE ONLY
 3. LIST OF ABBREVIATIONS:
 <E> = EXISTING
 <P> = PROPOSED

APN 221-161-040

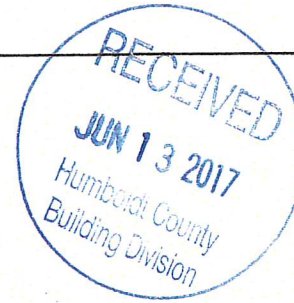
APN 221-161-040
 PLOT PLAN
 HUMBOLDT COUNTY, CA



Design: JM
 Drawn: JM
 Checked: JM
 App'd:

SITE PLAN

Project: 546.12
 Scale: AS NOTED
 Date: 6/8/2017
 Sheet: 2 OF 2



PLOT PLAN

APN 221-161-040

HUMBOLDT COUNTY, CA

OWNER:
KAREN HESSLER
PO BOX 907
REDWAY, CA 95560
707-986-4002

AGENT:
JOEL MONSCHKE PE
STILLWATER SCIENCES
850 G STREET, SUITE K
ARCATA, CA 95521
707-496-7075
JMONSCHKE@STILLWATERSCI.COM

PROJECT NOTES:

- <E> 45,562 SF OUTDOOR CULTIVATION AREA
- <P> 43,560 SF OUTDOOR CULTIVATION AREA

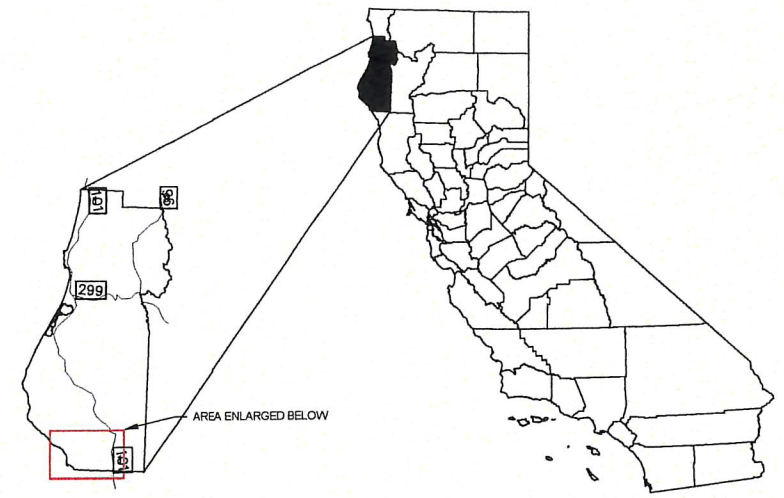
POND NOTES:

- <P> POND: 570,000 GALLONS
- 1. WATER SOURCE TO FILL NEW POND: RAINWATER CATCHMENT
- 2. WATER USE FOR PROPOSED POND: IRRIGATION & FIRE SUPPRESSION

ADDITIONAL NOTES:

1. PARCEL EXTENT TAKEN FROM HUMBOLDT COUNTY GIS, AND MODIFIED BASED ON FIELD OBSERVATION.
2. SLOPE DIRECTION AND GRADIENT CAN BE DETERMINED USING SCALE BAR AND UNDERLYING USGS TOPO MAP ON SHEET 2 (40' CONTOUR INTERVALS); SLOPES TYPICALLY RANGE FROM 0% TO 40%.
3. NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF PROPERTY.
4. ALL ROADS AND PARKING AREAS SURFACED WITH GRAVEL. MAIN COMMUNITY ROAD THROUGH PROPERTY - 16' - 20' WIDTH, 0-16% GRADE; PRIVATE DRIVEWAYS - 12' - 14' WIDTH 0-25% GRADE.
5. NO OFF SITE RESIDENCES WITHIN 300' UNLESS SHOWN ON THE SITE PLAN (SHEET 2).
6. BUILDINGS ARE NOT USED FOR CULTIVATION ACTIVITIES UNLESS OTHERWISE NOTED ON SHEET 2.
7. BUILDINGS ARE CONSTRUCTED WITH WOOD UNLESS OTHERWISE NOTED ON SHEET 2.

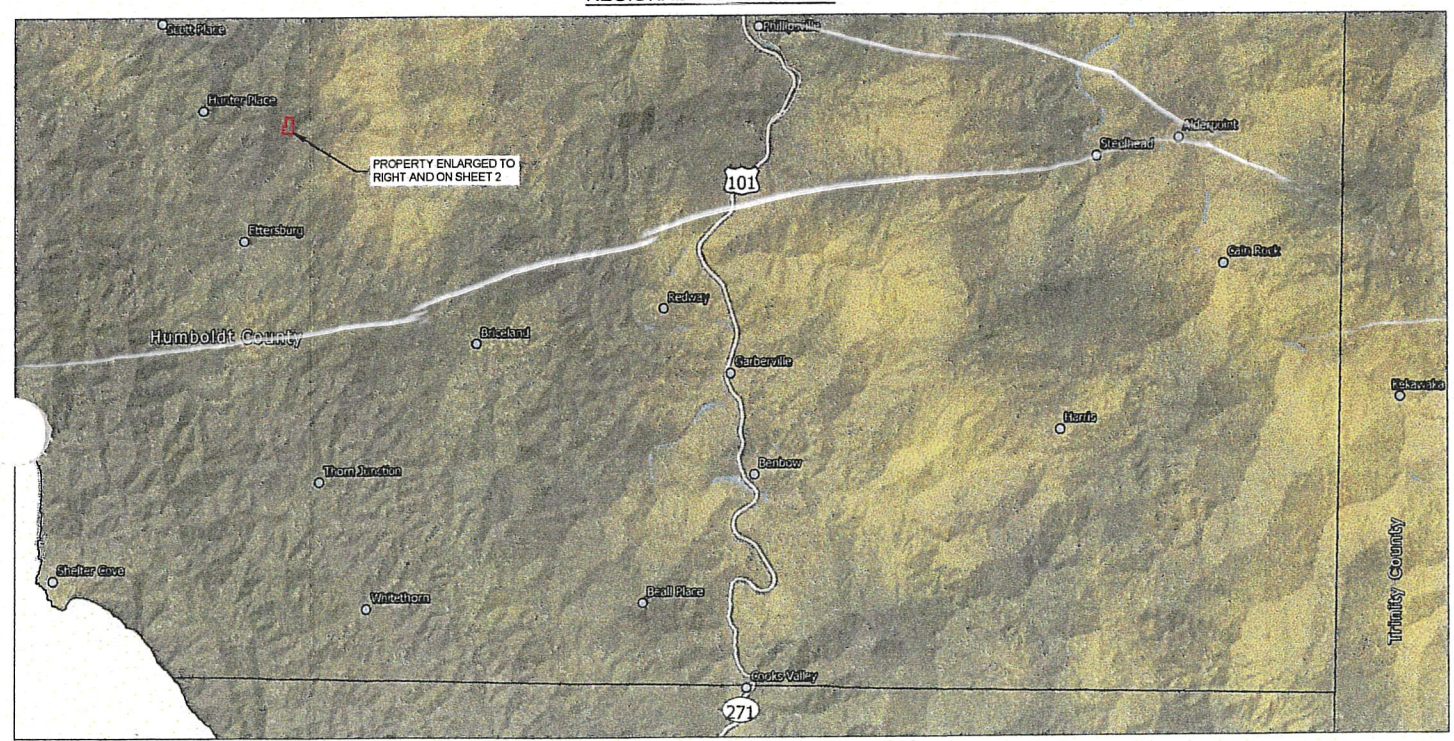
CALIFORNIA LOCATION MAP



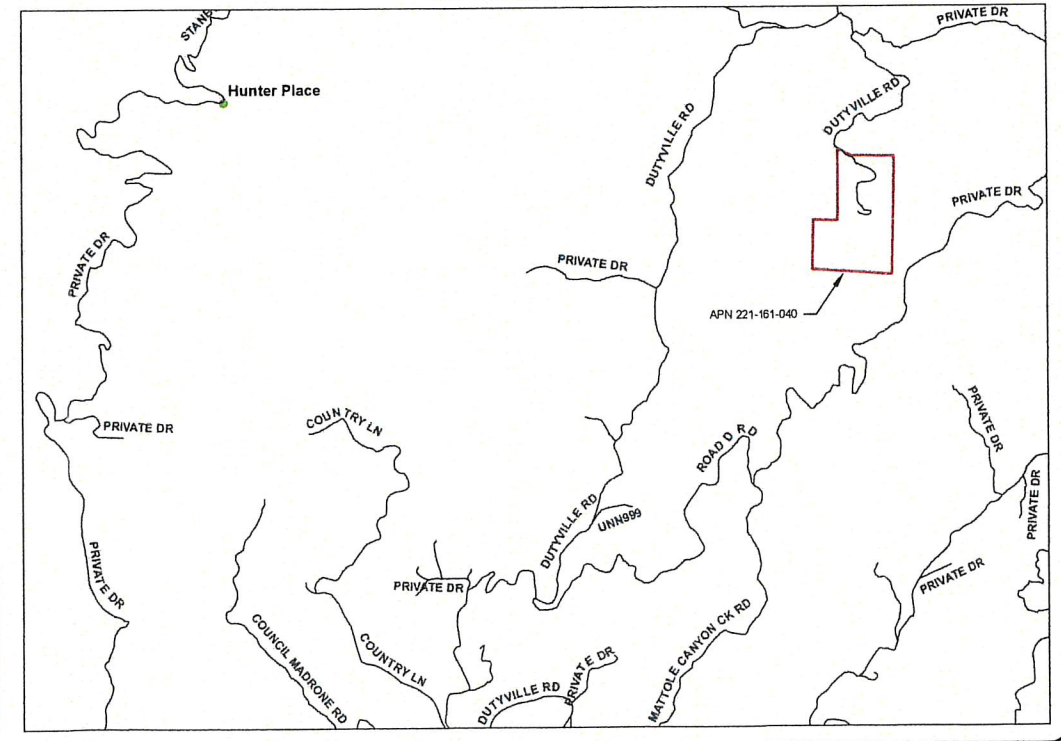
HUMBOLDT COUNTY MAP NTS

CALIFORNIA MAP NTS

REGIONAL LOCATION MAP



VICINITY LOCATION MAP



APN 221-161-040
PLOT PLAN
HUMBOLDT COUNTY, CA



Design: JM
Drawn: JM
Checked: JM
Appr: JM

TITLE SHEET

Project: 546.12
Scale: AS NOTED
Date: 6/8/2017
Sheet: 1 OF 2

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND APPLICATION ASSISTANCE IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 through #22. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
5. The applicant shall obtain an encroachment permit from the Department of Public Works for the intersection improvements.
6. The applicant shall demonstrate the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
7. The applicant shall submit a lighting plan that demonstrates how the operation will comply with Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, upright, or glare (BUG).
8. Processing activities (trimming) shall occur off-site until the applicant provides a site suitability analysis to the Department of Environmental Health showing the existing Onsite Wastewater Treatment System (OWTS) has the capacity to serve the additional persons on-site for processing activities.
9. The applicant shall utilize portable toilet and handwashing facilities for cultivation employees only. Processing must occur off-site until permanent Onsite Wastewater Treatment System (OWTS) is installed to the satisfaction of DEH. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.

10. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board (RWQCB) for the on-site sewage disposal system prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition.
11. The applicant shall notify the California Department of Fish and Wildlife (CDFW) to permit the points of diversion for domestic use and to determine if construction of the water storage pond is jurisdictional. A Lake and Streambed Alteration Agreement shall be obtained from CDFW, and forbearance consistent with County Code Section 55.4.11(l) shall be implemented with adequate water storage provided.
12. The applicant shall obtain the appropriate surface water diversion rights from the California State Water Resources Control Board, the Division of Water Rights (see Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project Condition #5). A copy of the water right registration or license or letter or similar communication from the State Water Resources Control Board verifying that this requirement has been met will satisfy this condition.
13. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. The water use for cultivation is limited to the amount of water available in storage tanks and/or proposed pond.
14. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
15. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
16. Prior to relocating the cultivation areas, the applicant shall submit restoration plan prepared by a qualified that describes area(s) to be restored and methods of restoration. The restoration plan shall also include a discussion of where the cultivation area(s) will be relocated on the subject parcel and why that location is environmentally superior to the current location.
17. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. , including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
18. Noise generated from the generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO which requires the combined decibel level for all noise sources to be no more than 60 decibels at the property line.

19. If applicable, the applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
20. Prior to issuance of any building or construction permits, a revised site plan shall be prepared by the applicant and reviewed and approved by the Planning Division showing:
 - a. Adequate off-street parking;
 - b. Compliance with emergency vehicle access requirements;
 - c. Buffers and setbacks from all watercourses on the subject parcel;
 - d. Setbacks of cultivation areas to property lines; and
 - e. Revised pond or water storage.
21. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
22. The access road shall be certified and/or improved to meet the functional equivalent of a Category 4 road with slopes consistent with Fire Safe Regulation standards as certified by a licensed engineer or County staff.
23. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring structures. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
16. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

17. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
18. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
19. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
20. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts;
 - (3) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
21. All cultivators shall comply with the approved Processing Plan as to the following:
 - a. Processing Practices.
 - b. Location where processing will occur.
 - c. Number of employees, if any.

- d. Employee Safety Practices.
- e. Toilet and handwashing facilities.
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- g. Drinking water for employees.
- h. Plan to minimize impact from increased road use resulting from processing.
- i. On-site housing, if any.

22. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
23. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
24. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
25. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of

California MAUCRSA.

26. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
27. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine

appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
7. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
8. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, in Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Permits), specifies the findings that are required to grant a Conditional Use Permit and Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: (1) the reduction is consistent with the adopted General Plan including the Housing Element; (2) the remaining sites identified in the Housing Element are adequate to accommodate the County's share of the regional housing need; and (3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

Staff Analysis of the Evidence Supporting the Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017.

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): Lands used for large lot residential uses that typically rely upon on-site water and wastewater systems. Allowable land uses vary and include residential, cottage industry, bed and breakfast inns, community assembly, neighborhood commercial, non-commercial recreation, office and professional, private institution, general and intensive agriculture, stables and kennels, timber production, fish and wildlife management, essential services, and similar compatible uses.</p> <p>Density range is 20 - 160 acres/unit.</p>	<p>The proposed project includes approximately 43,560 square feet of outdoor cultivation on a 42-acre parcel. General and intensive agriculture are allowable use types for this designation.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the project site is provided by Doodyville Road. According to the Road Evaluation Report completed by the Applicant, the project site located 6.5 miles from the intersection of Doodyville Road with Ettersburg-Honeydew Road. Doodyville Road is developed to the equivalent of Road Category 4 standards. A recommended condition of approval is that a road evaluation report be prepared by an engineer, and any required improvements to meet category 4 and Fire Safe road standards be constructed. The Humboldt County Department of Public Works has recommended a condition of approval requiring improvements at the intersection of Doodyville Road and Ettersburg-Honeydew Road in compliance with County standards. Conditions of approval require the applicant to obtain an encroachment permit from the Department of Public Works for the intersection improvements.</p>
Housing Chapter 8	<p>Goals and policies in this element seek to identify existing and projected housing needs and establish goals, policies, standards, and measures for the preservation, improvement, and development of housing.</p> <p>Related policy: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project site is not part of the Housing Element's Residential Land Inventory. The project will not reduce the residential density for any parcel that is used by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project site is not within or near a land use designation or zoning classification identified for the Local Open Space Plan, however, the site plan shows a Class III watercourse running through the western boundary of the subject parcel (see Biological Resources Section 10.3 for additional discussion).</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The project site consists of variable topography with slopes from less than 15% to 50%. The majority of the parcel is forested with three large open grassland areas. The CDFW resource map does not identify any threatened or endangered species on the subject parcel. The applicant is proposing to develop a 500,000-gallon pond to store water for irrigation uses. Currently, water storage totals 8,500 gallons in hard-sided tanks for all uses. The applicant has filed documentation (<i>Initial Statement of Water Diversion and Use</i>) with the State Water Resources Control Board (SWRCB) regarding the volume of water diverted. Conditions of approval for the project require the applicant to obtain appropriate water rights for domestic water storage. Conditions of approval also require the applicant to notify the California Department of Fish and Wildlife regarding the points of diversion and proposed pond construction. The applicant is required to adhere to the terms of conditions of the Final LSA Agreement, upon issuance.</p> <p>To address potential concerns to biological resources, conditions of approval require the applicant to submit a restoration plan prepared by a qualified that describes area(s) to be restored and methods of restoration. The restoration plan shall also include a discussion of where the cultivation area(s) will be relocated on the subject parcel and why that location is environmentally superior to the current location. To ensure waste is handled appropriately and reduces the impact on biological resources, the project is conditioned on all refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies in this chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social, and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p>	<p>The Northwest Information Center identified no previous investigations that included the project site and recommended a survey. The Bear River Band of the Rohnerville Rancheria requested that the standard inadvertent archaeological discovery protocol be included as a condition of approval. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project involves continued operation of an existing 43,560-square-foot outdoor cannabis cultivation operation. There will be a 1,000-square-foot nursery on-site that uses mixed light to supplement lighting up to 4 hours per day from March to June. Conditions of approval require the applicant to provide a lighting plan to the Planning Department to demonstrate how the project complies with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources policy SR-S4, Light and Glare, that lighting be fully shielded and designed and installed to minimize off-site lighting and direct light within the property boundaries. As conditioned, the project will meet and comply with standards for the International Dark Sky Association.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The applicant has enrolled in the North Coast Regional Water Quality Control Board's (NCRWQCB's) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. Conditions of Approval required the Applicant to submit a copy of the final WRPP to the Planning Department and implement all corrective measures.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The parcel is currently served by an Onsite Wastewater Treatment System (OWTS) that serves the primary residence. Temporary bathroom and handwashing facilities will be available on site for employees engaged in cultivation activities. Referral comments from the Department Environmental Health (DEH) require processing to be off-site until the applicant can provide a site suitability analysis showing the existing Onsite Wastewater Treatment System (OWTS) has the capacity to serve the additional persons on-site for cultivation and processing activities. The applicant is required to maintain invoice(s) or equivalent documentation to provide proof of continual use of the temporary facilities. Both requirements are included in the conditions of approval for the project. The proposed processing facility will include installation of an ADA-compliant bathroom facility to meet commercial building standard requirements.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies in this chapter discourage incompatible uses in communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The proposed project is continued operation of an existing 43,560 square foot (SF) outdoor that utilizes a 1,000-square-foot mixed light nursery to support operations. The nursery will utilize mixed light to supplement 4 hours of lighting from March to June. The primary power sources for the subject parcel are generators and solar systems for all domestic and cultivation uses. Electricity for cultivation operations, including lighting, ventilation and heating will be primarily sourced from renewable energy. The use of the on-site generator is limited to domestic use and as a back-up for emergencies should the solar system be comprised by weather. Noise generated from the emergency backup generator will comply with the standards set forth in Section 314-55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The County's GIS shows the site in an area designated as Moderately Unstable (2). The majority of the site is mapped by USGS has having slopes approximately 15 – 30 percent. As a condition of approval, the graded areas and structures shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks.</p>
Safety Element Chapter 14 Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located in an area designated as a high wildfire risk with a high fire hazard severity. The property is located within Telegraph Ridge Volunteer Fire Protection District. The subject property is also located in the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. Cal Fire recommends compliance with the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas.</p> <p>A maximum of 5 employees are required during peak operations. The site currently has a 1,500-gallon water tank with connectors designed to attach to a fire hose. Conditions of approval require the applicant demonstrate the driveway, emergency vehicle turn around and water storage conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The subject parcel is located within the boundaries of the Telegraph Ridge Fire Protection District.</p>

Plan Section	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Element Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	As a condition of project approval, applications for grading and/or building permits are referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and **3. Conforms with applicable standards and requirements of these regulations.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 221-161-040 is comprised of one separate parcel as determined by per approved LLA 76-90, memorialized by recorded Record of Survey, 1991-595, 51RS99. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1 Unclassified	Unclassified (U): Intended to be applied in areas in which general agriculture, one-family dwelling, rooming and boarding of not more than two (2) persons, and manufactured home are desirable predominant uses.	The applicant is seeking a Conditional Use Permit for an existing 43,560-square-foot outdoor medical cannabis cultivation operation on a property zoned U. The proposed use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	6,000 square feet	42 acres
Maximum Ground Coverage:	40 percent	< 40 percent

Minimum Lot Width:	50 feet	748 feet
Minimum Lot Depth:	100 feet	1,834 feet
Minimum Yard Setbacks: (Through the SRA requirements)	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet, all sides	Front: 70 feet Rear: 320 feet Side: 185 feet
Max. Building Height	None specified	< 50 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Water for irrigation is sourced from two springs, one proposed rainwater catchment pond, and a proposed well, all on-site. The other onsite spring is used as a domestic water source. The Applicant estimates 463,131 gallons of water are required annually. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) to permit the points of diversion for domestic use and to determine if construction of the water storage pond is jurisdictional. The applicant is also required to obtain the appropriate surface water diversion rights from the California State Water Resources Control Board, the Division of Water Rights for domestic and irrigation uses, as appropriate.
§314-109.1.2.9 Off-Street Parking Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	5 spaces

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.2</p>	<p>Commercial cannabis cultivation is allowed on parcels zoned U, that are one acre or larger and have been designated in the General Plan for agricultural development. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.</p>	<p>The parcel is zoned U. The parcel is mainly forested with grasslands/open space located in the north central area. There are six cultivation areas that the applicant is proposing to consolidate into one primary location and three greenhouses located near the center of the parcel the subject parcel. Prior to relocation, conditions of approval require the applicant to obtain approval from the Planning Department for a restoration plan prepared by a qualified that describes area(s) to be restored and methods of restoration. The restoration plan shall also include a discussion of where the cultivation area(s) will be relocated on the subject parcel and why that location is environmentally superior to the current location.</p>
<p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts U (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation. No expansion of the existing cultivation area shall be permitted.</p>	<p>The proposed action is a Conditional Use Permit for 43,560 square feet of existing outdoor cultivation on APN 221-161-040, which is a 42-acre parcel zoned Unclassified. Aerial imagery on TerraServer® indicate that existing cultivation operations on the property prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant (Amaranth Farms) has three pending cannabis activity permits and is entitled to four. This application is for one permit. If approved, the applicant will hold one cannabis activity permit.</p>

<p>§314-55.4.9.1 Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>The applicant is proposing to construct a 1,800-square-foot metal building for processing activities appurtenant to on-site cultivation. No cannabis cultivated under the control of others will be brought to this location. Based on comments received from the Department of Environmental Health, the project is conditioned on processing occurring off-site until the applicant can provide the Department of Environmental with a site suitability analysis showing the existing Onsite Wastewater Treatment System (OWTS) has the capacity to serve the additional persons on-site for cultivation and processing activities.</p>
<p>§314-55.4.9.4 Pre-Application Registration</p>	<p>Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.</p>	<p>A Commercial Cannabis Registration Form for APN 221-161-040 was filed with the Planning Division on June 9, 2016, and within the specified time frame.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the information required for all applications.</p>	<p>Attachment 3 identifies the information submitted with the application and shows that all the required information was received.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the performance standards for cannabis cultivation activities.</p>	<p>All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the time frame of the permit.</p>
<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>Approximately 1.4213 acre-feet (or 463,132 gallons) of water is required annually to meet operational needs. Water for domestic and irrigation use is sourced from two unnamed springs, proposed 500,000-gallon rainwater catchment pond, and a proposed well. Currently, water storage totals 8,500 gallons in hard-sided tanks for all uses. The applicant has filed documentation (<i>Initial Statement of Water Diversion and Use</i>) with the State Water Resources Control Board (SWRCB) regarding the volume of water diverted. Conditions of approval for the project require the applicant to obtain appropriate water rights for domestic water storage. Conditions of approval also require the applicant to notify the California Department of Fish and Wildlife regarding the points of diversion and proposed pond construction. The applicant is required to adhere to the terms of conditions of the Final LSA Agreement, upon issuance.</p>

<p>§314-55.4.11.d Performance Standards – Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources.</p>	<p>The proposed cultivation areas and on-site processing are setback 30-feet from any property line, school, school bus stop, church or other place of religious worship, public park or tribal cultural resources.</p> <p>A Special Permit is also requested for a waiver of the 600 foot setback from public lands. Although the lands are not managed for open space or wildlife purposes, Planning staff included the Special Permit as a public agency owns the adjacent parcel. The cultivation site will be less than 450 feet from an adjacent parcel owned by the State Lands Commission. The State Lands Commission owns properties throughout California. In a conversation with Jim Porter, Public Land Management Specialist, on October 10, 2018, Mr. Porter indicated the State Lands Commission currently owns approximately 460,000 acres down from 5 million when lands were first given in the 1860s. In the 1980s, the State Lands Commission set aside lands that would be sold to benefit retirement funding for teachers, much of which has been sold. There are scattering of lands throughout California still under the ownership of the State Lands Commission, including four parcels near the Eftersburg area, including one parcel within 600 feet of the proposed cultivation site. Mr. Porter stated the State Lands Commission does not object to the setback reduction.</p>
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<p>§314-55.4.11.o Performance Standards – Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible to humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of marbled murrelet or spotted owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the US Fish and Wildlife Service.</p>	<p>The primary power sources for the subject parcel are generators and solar systems for all domestic and cultivation uses. Electricity for cultivation operations, including lighting, ventilation and heating will be primarily sourced from renewable energy. The use of the on-site generator is limited to domestic use and as a back-up for emergencies should the solar system be comprised by weather. Noise generated from the generators shall comply with the standards set forth in Section 55.4.11 (o) of the CMMLUO which requires the combined decibel level for all noise sources to be no more than 60 decibels at the property line. These terms are included in the conditions of approval.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on June 28, 2016.</p>

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§ 312-17.1.4 Required Findings</p>	<p>The proposed development will not be detrimental to the public health, safety, and welfare, and will not be materially injurious to properties or improvements in the vicinity.</p>	<p>The Department finds that the proposed project would not be detrimental to the public health, safety, and welfare since no reviewing referral agencies have recommended denial of the proposed project and the commercial cannabis operation would be conducted in accordance with the properties or performance standards set forth in the CMMLUO. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.</p>

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§ 312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with the housing element.	The project site is not located within a Housing Opportunity Zone, as defined by the 2014 Housing Element. Additionally, the project would not reduce the residential density for any parcel. No residences exist onsite and the property would continue to operate within the property's established density of one dwelling unit per 20 to 160 acres.

6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
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<p>§§15301, 15303, 15304, 15333 of CEQA Guidelines</p>	<p>Categorically exempt from State environmental review.</p>	<p>Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) because they can be considered to be an "Existing Facility" per Section 15301, the proposed processing facility is considered "New Construction or Conversion of Small Structures" per Section 15303 and proposed on-site relocation would be a "Minor Alteration to Land" as defined by Section 15304 because it would involve "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes" and a "Small Habitat Restoration Project" because it would involve "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes" and "a project less than five acres in size to assure the restoration of habitat for fish, plants, or wildlife." Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.</p>
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ATTACHMENT 3

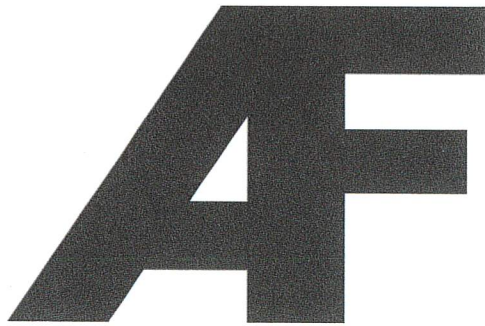
Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior

unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

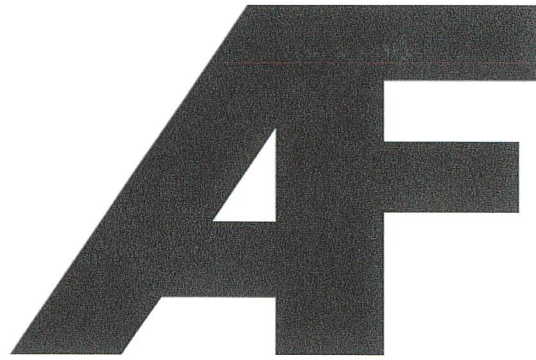
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report. (Attached).
16. Water Resource Protections Plan for APN 223-16-040 prepared by Stillwater Sciences dated May 2017. (On file)
17. Division of Environmental Health Attachment for Commercial Medical Marijuana Permits/Clearances (CCM). (On file)



AMARANTH FARMS, A NON PROFIT MUTUAL BENEFIT CORPORATION

6191 DOODYVILLE ROAD, ETTERSBURG, CA 95542

PRESIDENT/CEO	KAREN HESSLER	707-986-4002
CFO	ELAN PUNO	707-834-2956
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A CALIFORNIA MEDICAL MARIJUANA COLLECTIVE

A NON PROFIT MUTUAL BENEFIT CORPORATION

ENTITY NUMBER C3842232

6191 DOODYVILLE ROAD ETTERSBURG, CA 95542

HUMBOLDT COUNTY, CA

CULTIVATION AND OPERATIONS MANUAL

PROPOSED MEDICAL CANNABIS CULTIVATION FACILITY

APN: 221-161-040
APPLICATION NO. 10659

MAY 2017

CULTIVATION AND OPERATIONS MANUAL
AF, A NON PROFIT MUTUAL BENEFIT CORPORATION

TABLE OF CONTENTS

1. PROJECT SUMMARY1
 1.1. Project Objective1
 1.2. Site Description1
 1.3 Land Use1
 1.4. State and Local Compliance1
2. CULTIVATION AND PROCESSING2
 2.1. Nursery Propagation and Initial Transplant.....2
 2.2. Mixed Light Cultivation Plan and Schedule.....2
 2.3. Indoor Cultivation Plan and Schedule2
 2.4. Irrigation Plan and Schedule3
 2.5. Harvesting, Drying, and Trimming3
 2.6. Processing Facility3
 2.7. Employee Plan3
 2.8. Security Plan and Hours of Operation.....4
3. ENVIRONMENT5
 3.1. Water Source and Projected Water Use5
 3.2. Water Storage5
 3.3. Drainage, Runoff, and Erosion Control.....5
 3.4. Watershed and Habitat Protection6
 3.5. Monitoring and Reporting6
 3.6. Energy and Generator Use7
 3.7. Best Management Practices7
 3.8. Waste Management Plan7
4. PRODUCT MANAGEMENT8
 4.1. Product Testing and Labeling.....8
 4.2. Product Inventory and Tracking.....8
 4.3. Transportation and Distribution.....8

Appendix A: Site Plan

Appendix B: Cultivation Activities Schedule

Appendix C: Water Resource Protection Plan

Appendix D: Regulated Products Resource List

Appendix E: References

1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

AF, A Non Profit Mutual Benefit Corporation is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit for approximately 43,560 square feet (sf) of medical cannabis cultivation. The project includes the permitting of existing and proposed facilities for drying, curing, trimming and storing of medical cannabis. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at 6191 Doodyville Road, Etersburg, Ca, (APN 221-161-040) west of the community of Garberville. The subject parcel is approximately 42.12 acres in size (per the County of Humboldt's WebGIS) The property is Rural Improved. It has a relatively diverse topography but the cultivation is on slopes of less than 15% gradient. The property is a mixture of meadows, with fir and oak trees. The cultivation site is located on a gentle south sloping meadow.

See Appendix A: Site Plan

1.3 LAND USE

The subject property has a General Plan designation of AL40 (FRWK) as identified by the Northern Humboldt General Plan (NHGP) and is zoned U. The property contains mostly class B grazing with some prime agricultural soils according the Humboldt WebGIS. The proposed cultivation area occupies less than .022 percent (022%) of the total land area. Land uses surrounding the parcel are composed of rural residential, timber and agriculture. The surrounding parcels are similarly zoned.

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

AF, A Non Profit Mutual Benefit Corporation will obtain a Commercial Medical Cannabis Activity License from the State of California at such time licenses become available.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

Water for domestic and cultivation uses are provided by springs, a proposed rainwater catchment pond and a proposed well. AF, A Non Profit Mutual Benefit Corporation will file for a diversion with the State of California Water Resources Control Board. This consists of one small and domestic spring, one riparian spring, a proposed 500,000 Gallon rainwater catchment pond and a well.

1.4.3. COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective June 09, 2016 AF, LLC, Cooperative enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. R1 2015-0023. Waiver of Waste Discharge Requirements; and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or

Operations with Similar Environmental Effects in the North Coast Region (WDID ???CHUM). A Water Resources Protection Plan has been developed for the project by Stillwater Sciences.

1.4.4.HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

1.4.5.CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements have been made in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines.

If required by Cal Fire, a 2,500-gallon water tank with a riser to SRA specifications will be installed for fire protection. Site currently has a 1,500 gallon water tank with connectors designed to attach to a fire hose.

1.4.6.CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

An approved Lake and Stream-Bed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) will be obtained for any work in any stream crossings or wetland areas.

1.4.7. CALIFORNIA DEPARTMENT OF AGRICULTURE

All applicable agricultural regulations will be adhered to. Pesticide, fungicide, rodenticide applications will follow DPR guidelines.

2. CULTIVATION AND PROCESSING

2.1.NURSERY PROPAGATION AND INITIAL TRANSPLANT

Juvenile plants are propagated onsite from seeds or clones are purchased. Strains that demonstrate the desired CBD/THC genetics are chosen. The seedlings or clones are placed in the nursery greenhouse where we augment the daylight hours 4 hours a day. Once fully rooted they are transplanted directly into one (1) gallon or four inch plastic containers containing an organic growing medium.(see Appendix A for nursery location). The juvenile plants are irrigated using hand watering methods. Starts are kept in the nursery from March to June, when they are transplanted to outdoor site, hoop houses, or directly in the ground in the nursery greenhouse to continue their 'vegetative' cycle.

2.2.MIXED LIGHT CULTIVATION PLAN AND SCHEDULE

Nursery greenhouse will have mixed light use 4 hours per day (5:00 PM to 9:00 PM) from March to June.

2.3.INDOOR CULTIVATION PLAN AND SCHEDULE

No indoor cultivation currently proposed onsite.

2.4. IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using top-feed drip irrigation and hand watering methods. AF, A Non Profit Mutual Benefit Corporation maintains that the irrigation and fertigation methods used are helpful and necessary in reducing water consumption. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

2.5. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest are cut at the base of the plant and have their flowering branches removed. The branches are fed through a cleaning machine to remove the large “water” leaves, then and suspended in the drying room. The drying room is equipped with ventilation ,fans, and heaters. The drying process takes approximately seven to ten days. At this time the branches with flowers on them are bucked into manageable sizes. The flowers are either sent to a processing center to be made into medicinal oil, or receive a finishing trim by hand before being weighed, packaged, tracked, and sealed. The finished product is stored in room before being transported to a licensed distribution facility. The useable waste product, (leaf, shake or trim) is collected and placed into bins to be weighed, labeled, tracked, and sealed. Trim will be sold to a licensed distribution facility or transferred to an offsite, licensed manufacturing facility. The unusable waste (stem) is properly disposed of.

2.6. PROCESSING FACILITY

All cannabis processing will occur at a permitted processing facility or the proposed on site facility when complete. The facility will incorporate all aspects of processing including trimming, weighing, packaging, labeling and tracking. The facility will include an ADA restroom for employees. The restroom will include a working flush toilet as well as a sink with cold and hot running water provided by a propane water heater. The proposed metal building will have an engineered concrete slab and will conform to commercial building standards per the 2017 California Building Code.

2.7. EMPLOYEE PLAN

AF, A Non Profit Mutual Benefit Corporation is an “agricultural employer” as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.7.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- **CEO:** Responsible for business oversight and management of AF, A Non Profit Mutual Benefit Corporation, LLC. Responsibilities include, but are not limited to: inventory and tracking, personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a full time position.
- **Cultivation Manager:** Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time- seasonal position.
- **Seasonal Laborer:** Provides cultivation, harvesting, and processing support. This is a part-time to full-time, seasonal position.

- *Cleaners/Trimmers:* Aids in the final step of trimming the waste (leaf, trim, shake) from the flower. Is responsible for packaging, labeling and providing tracking information to CEO or other board member. This is a full-time seasonal position.

2.7.2. STAFFING REQUIREMENTS

In addition to the *CEO and Cultivation Manager positions*, up to two (2) full-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the ranch during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of five (5) employees onsite along with the CEO of AF, A Non Profit Mutual Benefit Corporation and other board members.

2.7.3. EMPLOYEE TRAINING AND SAFETY

Onsite cultivation, harvesting, drying, and trimming is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of cleaning machine, pruning tools; proper application and storage of pesticides and fertilizers; and correct hand trimming methods. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities are limited to authorized and trained staff and board members.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff, Local Emergency Room Equipped to handle pesticide contact, and Poison Control as well as the CEO will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The safety data sheets (SDS) are kept onsite and accessible to employees.

2.7.4. TOILET AND HAND WASHING FACILITIES

The proposed drying and processing facility will include one (1) ADA-compliant restroom, including a working flush toilet as well as a sink with hot and cold running water. Hand soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 250 feet from the restroom facility. One ADA portable toilet will be utilized for the 2017 season or until the facility is approved, permitted and completed.

2.7.5. ON-SITE HOUSING

Seasonal onsite housing will be located in the existing second dwelling, when necessary.

2.8. SECURITY PLAN AND HOURS OF OPERATION

2.8.1. FACILITY SECURITY

The cultivation facilities, including greenhouses, hoop houses, processing buildings, and storage buildings are located behind a locked gate, fence or within a secure and locked building. An entry gate is located at the North West perimeter of the property. The entry gate remains locked at all times and access to the cultivation and processing areas are limited exclusively to authorized personnel. Restricted access signs are posted conspicuously at the entry gates. The cultivation and processing facility area will have low intensity exterior lighting to illuminate the entrances, and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras and sensors are installed at the main access gate, cultivation sites, and at the entrance to the proposed processing facility.

2.8.2.HOURS OF OPERATION

Activities associated with cultivation (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 8am and extend no later than 8pm.

3.ENVIRONMENT

3.1.WATER SOURCE AND PROJECTED WATER USE

Water for domestic and cultivation uses are provided by two separate springs, one proposed rain catchment pond and a proposed well. The water is gravity fed to a series of water tanks that gravity feed to cultivation sites. AF, A Non Profit Mutual Benefit Corporation utilizes water management strategies to conserve and reuse onsite water and fertilizers to achieve net zero discharge. (Refer to section 3.4 for a summary of irrigation practices, and Appendix B for the monthly irrigation schedule)

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0.0320	0.0640	0.1289	0.2762	0.2854	0.2854	0.2854	0.0640	0	0

3.2.WATER STORAGE

Water for both domestic and irrigation use is provided by 2 springs, proposed rain water catchment pond that will hold 500,000 gallons of water, a proposed well, and tanks consisting of 7,000 gallons of water storage. If required by Cal-Fire, a 2,500-gallon water tank may be installed in order to comply with SRA fire protection requirements. Site currently has a 1,500 gallon water tank with connectors designed to attach to a fire hose.

3.3. DRAINAGE, RUNOFF, AND EROSION CONTROL

AF, A Non Profit Mutual Benefit Corporation is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

3.3.1.SITE DRAINAGE AND RUNOFF

The sites are gently sloping or terraced, with surface flow in the wet season generally draining from the North to the to the South. The edges of the sites are ditched and have either a waddle like hay absorbing element or is further directed to a catchment zone that has a series of waddle filter zones to capture any runoff. All other sites, roads, driveways, parking areas, and turn arounds have drainage that is designed to code. The existing

cultivation sites, hoop house, and greenhouse are located away from riparian zones. Fertilizers and pesticides are currently stored in a storage shed with secondary containment to prevent contamination with runoff. Sites have been identified for storage/disposal of spoils and cultivation waste.

Site investigation for the development of the Water Resources Protection Plan (WRPP) showed no evidence of surface runoff with associated with the cultivation. The cultivation structures are located approximately 200 feet from the nearest watercourse, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

3.3.2. Erosion Control

The Water Resource Protection Plan (WRPP) includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions to reduce sediment delivery. Additionally, the WRPP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* in Appendix C for complete BMP recommendations and specifications.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are 200 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP. Refer to the WRPP in *Appendix C* for detailed descriptions of watershed and habitat protection measures.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if not contained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP with photo points identified on WRPP map.

Onsite monitoring shall occur:

- Site shall be inspected on a quarterly basis.
- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept onsite.

- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023) was submitted upon initial enrollment in the Order (NOI) and then annually thereafter, by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

See Appendix C: Water Resource Protection Plan

3.6.ENERGY AND GENERATOR USE

Off grid electricity is provided by a propane generator and solar systems for all cultivation and domestic uses. Electricity for cultivation operations including lighting, ventilation, and heating and will be sourced primarily by renewable energy. Use of the on-site generator is limited to domestic use, and only if the solar system is compromised, by undetermined weather. Guidelines set by Humboldt County and the State of California are followed. The generator is located away from the property line to ensure the noise level does not exceed 60 decibels at the property line. The generator is located in a shed with a cement floor and proper ventilation. Propane fuel is stored in a compliant tank.

3.7.BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application of all fertilizers, pesticides and fungicides. All nutrients, pesticides, and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products.

See Appendix D - Regulated Products Resource List for product details

3.8.WASTE MANAGEMENT PLAN

3.8.1.SOLID WASTE MANAGEMENT

Trash and recycling containers are located in a secure area. The containers are situated in a shed to prevent storm water contamination and leachate from entering or percolating to receiving waters. The trash containers are in an enclosed area to prevent animal intrusion. Solid waste and recycling is hauled off-site to Eel River Disposal, as needed.

3.8.2.CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area (see WRPP map in Appendix C). Spent potting soil in designated contained covered areas. Soil in outdoor in ground locations will be covered to prevent seepage. The soils are analyzed yearly, and are amended and reused. Used pots will be collected, cleaned

and stored for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

3.8.3.WASTEWATER MANAGEMENT

The water management plan aims to achieve a low evaporation, properly absorbing irrigation and nutrient system. Drip system and hand watering methods minimize the over-irrigation of plants and subsequent runoff.

4.PRODUCT MANAGEMENT

4.1.PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems when they become available, until that time an internal tracking system will be used.

4.2.PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally developed system of inventory and tracking is utilized. The CEO ensures all medical cannabis from seed or clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes but not limited to:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of flowers after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3.TRANSPORTATION AND DISTRIBUTION

Transportation will be handled in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *CEO* or the *Secretary* are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

Appendix A: Site Plan

PLOT PLAN APN 221-161-040 HUMBOLDT COUNTY, CA

OWNER:
KAREN HESSLER
PO BOX 907
REDWAY, CA 95560
707-986-4002

AGENT:
JOEL MONSCHKE PE
STILLWATER SCIENCES
850 G STREET, SUITE K
ARCATA, CA 95521
707-496-7075
JMONSCHKE@STILLWATERSCI.COM

PROJECT NOTES:

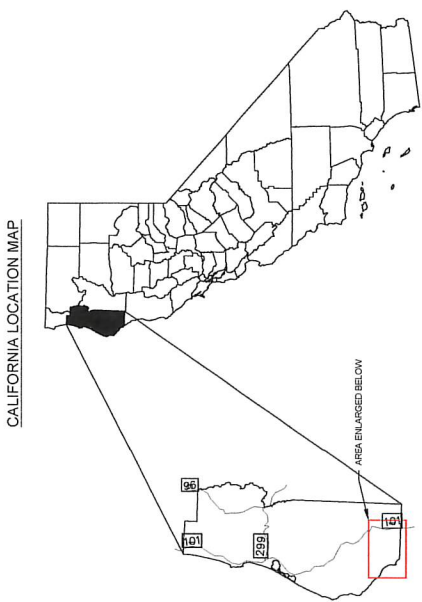
- <- 15,500 SF OUTDOOR CULTIVATION AREA
- <- 13,500 SF OUTDOOR CULTIVATION AREA

POND NOTES:

- <- POND: 570,000 GALLONS
- 1. WATER SOURCE TO FILL NEW POND: RAINWATER CATCHMENT
- 2. WATER USE FOR PROPOSED POND: IRRIGATION & FIRE SUPPRESSION

ADDITIONAL NOTES:

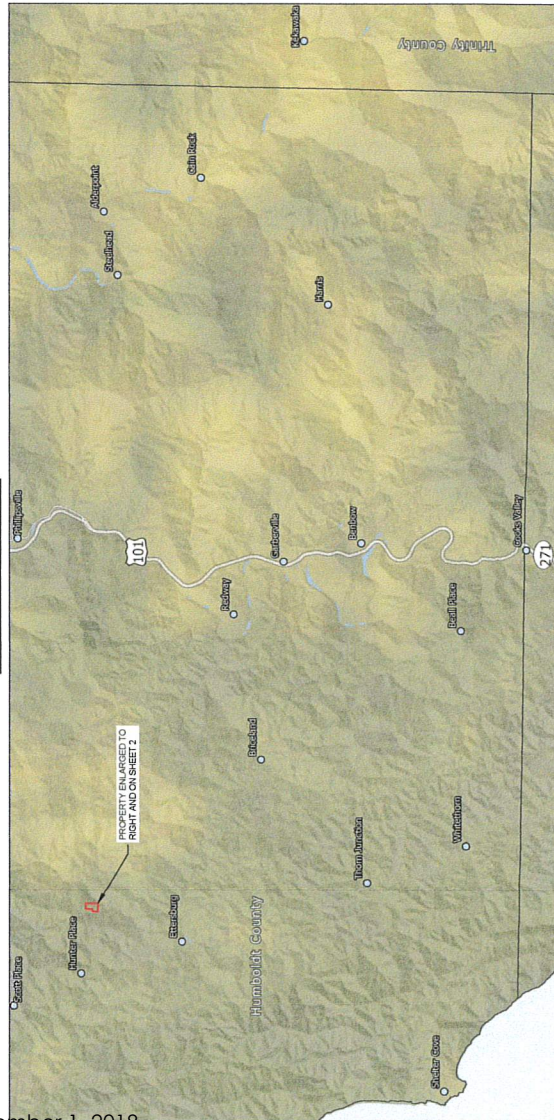
1. PARCEL EXTENT TAKEN FROM HUMBOLDT COUNTY GIS AND MODIFIED BASED ON FIELD OBSERVATION
2. ELEVATION AND GRADIENT CAN BE DETERMINED USING SCALE BAR AND JACOBS VERTICAL CURVES
3. TOPO MAP ON SHEET 2 (42' CONTOUR INTERVALS); SLOPES TYPICALLY RANGE FROM 0% TO 40%
4. NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL
5. ALL ROADS AND PARKING AREAS SURFACED WITH GRAVEL, MAIN COMMUNITY ROAD THROUGH PROPERTY - 16' - 20' WIDTH, 0.6% GRADE, PRIVATE DRIVEWAYS - 12' - 14' WIDTH, 0.25% GRADE
6. ALL BUILDINGS ARE NOTED ON SHEET 1 UNLESS OTHERWISE NOTED
7. BUILDINGS ARE CONSTRUCTED WITH WOOD UNLESS OTHERWISE NOTED ON SHEET 2



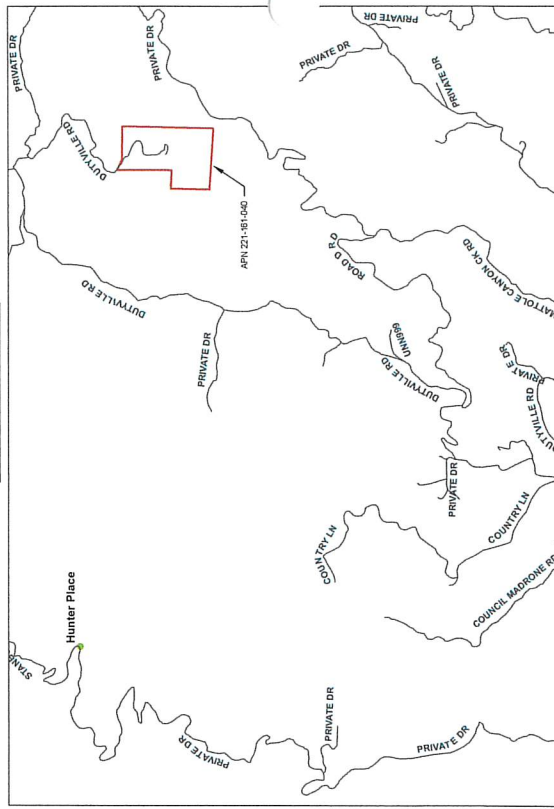
CALIFORNIA MAP N1S

HUMBOLDT COUNTY MAP N1S

REGIONAL LOCATION MAP



VICINITY LOCATION MAP



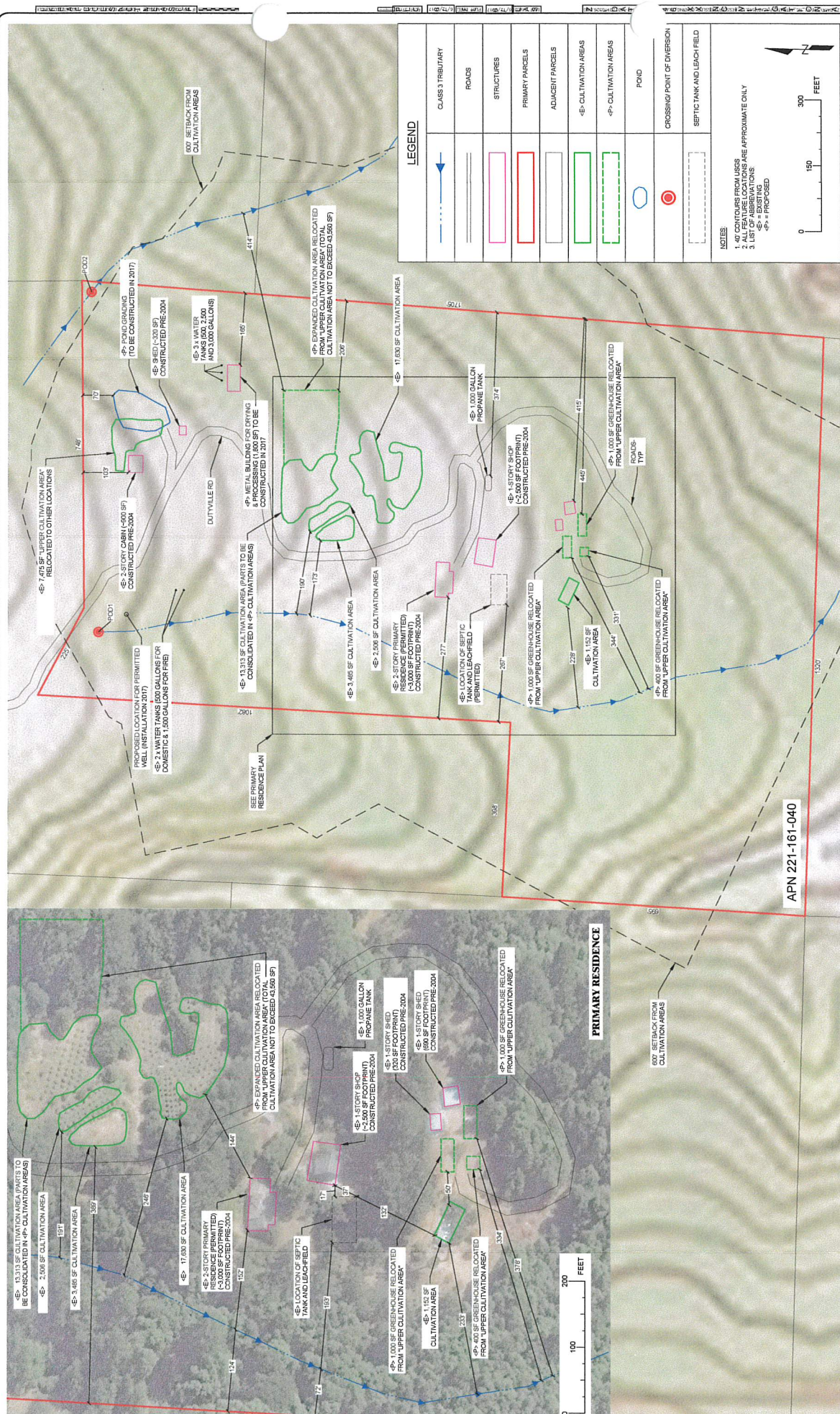
Project	APN 221-161-040
Date	08/2017
Sheet	1 OF 2

TITLE SHEET

Prep'd	JM
Drawn	JM
Checked	JM
App'd	



APN 221-161-040
PLOT PLAN
HUMBOLDT COUNTY, CA



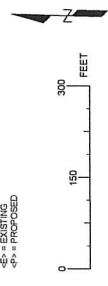
LEGEND

	CLASS 3 TRIBUTARY
	ROADS
	STRUCTURES
	PRIMARY PARCELS
	ADJACENT PARCELS
	4P- CULTIVATION AREAS
	4P- CULTIVATION AREAS
	POND
	CROSSING POINT OF DIVERSION
	SEPTIC TANK AND LEACH FIELD

NOTES

1. ALL FEATURES FROM USFS
2. ALL FEATURE LOCATIONS ARE APPROXIMATE ONLY
3. LIST OF ABBREVIATIONS

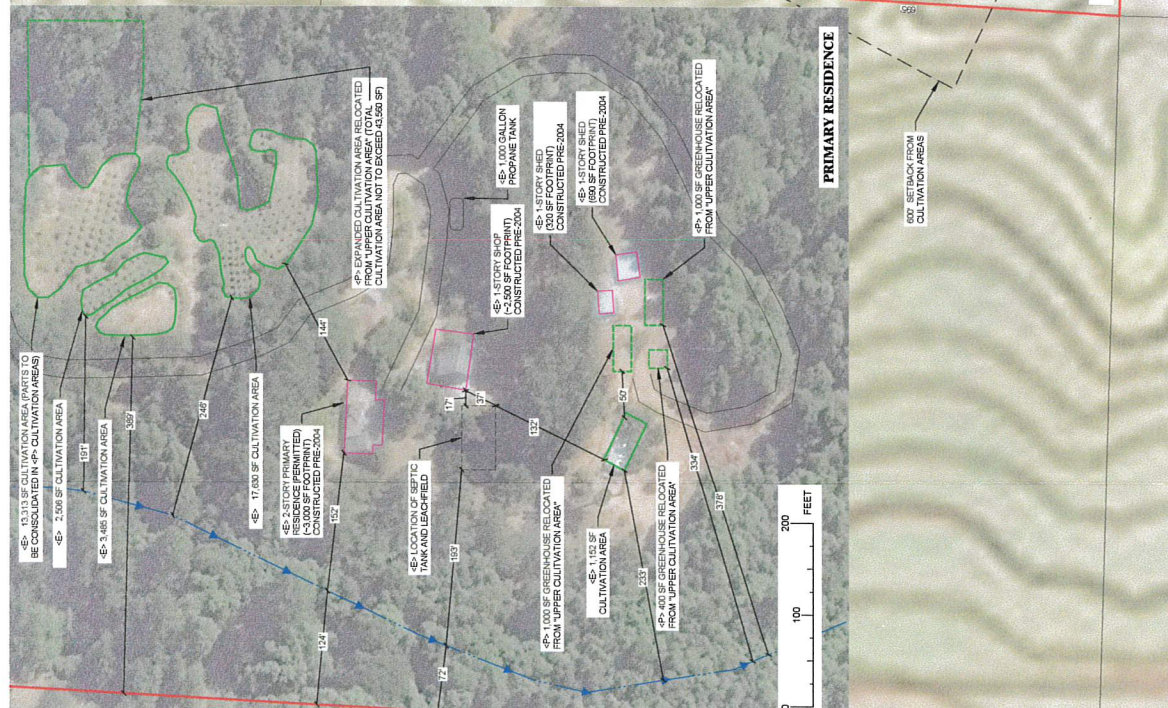
4P- = PROPOSED



SITE PLAN

Design: JM
 Drawn: JM
 Checked: JM
 Appr: JM

Sheet: 2 OF 2



**Appendix B: Cultivation
Activities Schedule**

AF Cultivation Activities Schedule

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, Erosion Control, Maintenance	Winterization/Plant Cover Crop												
	Temporary Erosion Control BMPs												
	Fence Maintenance, Cover Crop, Structure Repairs												
	Road and Parking Area Maintenance												
	Inspect and Maintain Springs/Ponds/Water Tanks												
Conservation	Weed Eating/Weed Control												
	Purchase Soil, Amendments, Pots												
	Amend Soil in Greenhouse												
	Add Amendments to Soil, Turn Soil												
	Purchase Clones												
Irrigation	Set Lights Up												
	Hand Water Seedlings/Clones												
	Hand Water and Drip Irrigation Plants												
	Re-Establish Drip System												
	Germinate Seeds												
Cultivation and Harvest Schedule	Pot Clones												
	Transplant Seedlings and Clones into Larger Pots												
	Move Plants Outside to Harden Off/ Plant Outside												
	Water, Fertilize, Stabilize Plants												
	Harvest Plants												
Drying and Processing	Hang Harvested Plants in Drying Shed												
	Buck Plants into Manageable Size/Package for Trimmers												
	Process into Cleaned Flowers/Separate Shake from Flower												
Staffing Presence	Cultivation Manager												
	Seasonal Laborer												
	Cleaners/Trimmers												

**Appendix C: Water
Resources Protection Plan
(WRPP)**

**Appendix D: Regulated
Products Resource List**

Regulated Products List

MSDS/SDS INFORMATION

*Listed Alphabetically By Brand

Soil

Brand	Product Name	Quantity	
Black Gold	Potting Soil	1.5 CF	750 Bags
Vermifier	Potting Soil	1.5 CF	2,000 Bags

Fertilizers / Amendments

Brand	Product Name	Quantity	
Azomite	Azomite	44 #	
Big Worm	Worm Castings	1.5 cu ft	
Dirt M.D.	Humid Acid	2.5 Gal	
Dr Earth	Organic 4-4-4	40 LB	41 Bags
Dyna Gro Propekt	Silica	1 #	
Essential Plus	Root growth promoter	2.5 Gal	
Extreme	Mycos	2.2 #	
Fungbact	Myco Mine	2.75 #	
Liquinox	B1 Solution	1 Gal	
Maxi Crop	Micro-nutrients	2 #	
Sparetime Supply	Molasses	5 Gal	
Vital	Fish Hydrolysate	2.5 Gal	

Household Cleaning Products

Brand	Product Name
Clorox	Bleach
Invisible Glass	Glass Cleaner
Simple Green	All Purpose Cleaner
Simply Orange	All Purpose Cleaner
Windex	Window Cleaner

Appendix E: References

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=10.&title=&part=&chapter=6.&article=2. (Date Accessed: April 12, 2017)

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System. <<http://www.canorml.org/laws/sb420.html>.> (Date Accessed: April 12, 2017)

County of Humboldt. Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use (Staff Report to the Board of Supervisors). <https://humboldt.legistar.com/Calendar.aspx>. (Date accessed: April 12, 2017)

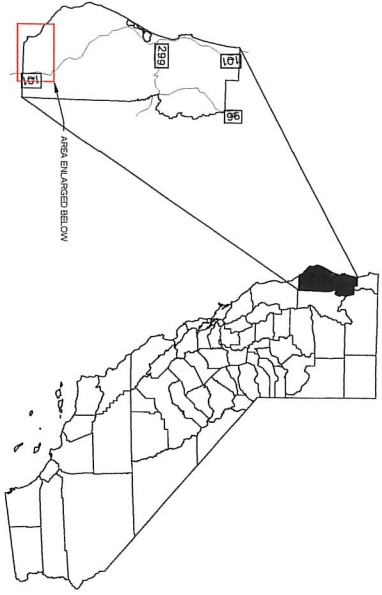
North Coast Regional Water Quality Control Board. Cannabis Cultivation Waste Discharge Regulatory Program. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/ (Date Accesses: April 12, 2017)

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. <http://www.boe.ca.gov/news/pdf/173.pdf> (Date Accessed: April 12, 2017)

State Board Of Equalization. Fiona Ma, CPA, Board Member, State Board of Equalization, Clearing the Haze Around Cannabis. <https://www.boe.ca.gov/ma/cannabis/> (Date Accessed April 12, 2017)

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008. http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf (Date Accessed April 12, 2017)

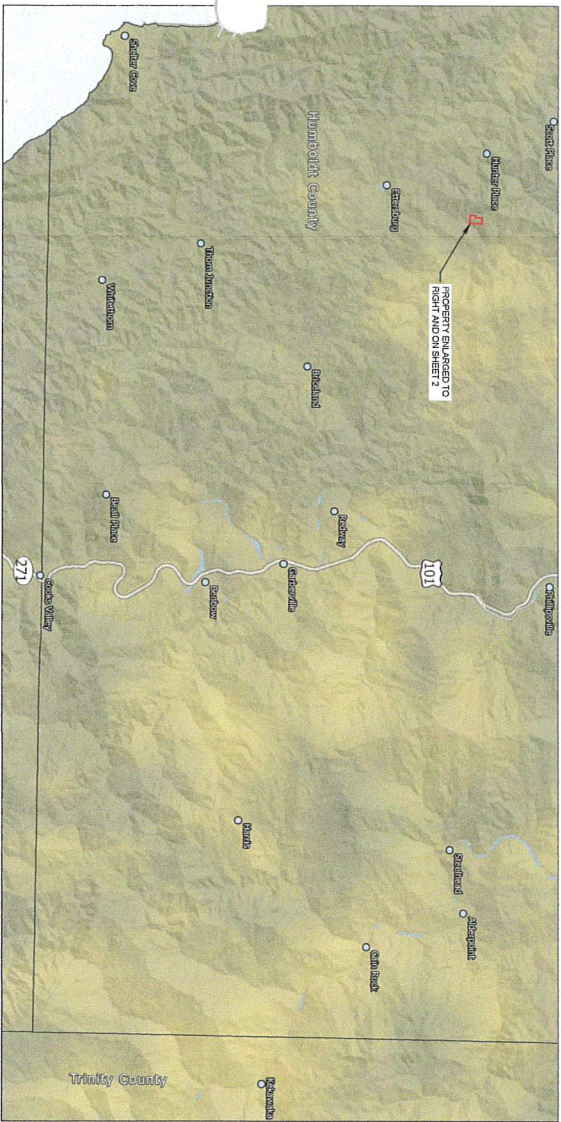
CALIFORNIA LOCATION MAP



HUMBOLDT COUNTY MAP

CALIFORNIA MAP

REGIONAL LOCATION MAP



PLOT PLAN

APN 221-161-040

HUMBOLDT COUNTY, CA

OWNER:
KABER HESSLER
PO BOX 907
REDUNY, CA 95560
707-386-4002

AGENT:
JOEL MONSCHKE RE
STILLWATER SCIENCES
850 G STREET SUITE K
ARCATA, CA 95521
707-456-7075
JMONSCHKE@STILLWATERSCI.COM

PROJECT NOTES:

- <= 45,542 SF OUTDOOR CULTIVATION AREA
- <= 41,268 SF OUTDOOR CULTIVATION AREA

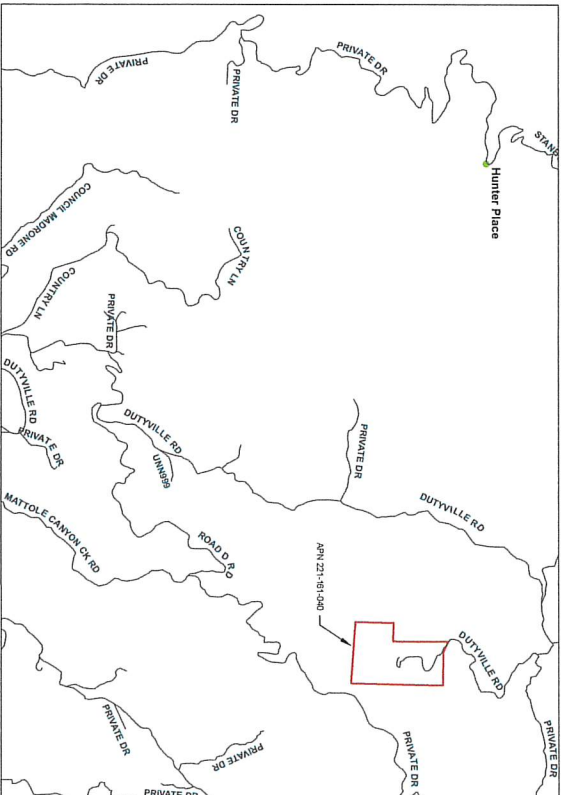
POND NOTES:

- <= POND: 57,000 GAL/acre
- 1. WATER SOURCE TO THE NEW POND: RAINWATER CATCHMENT
- 2. WATER USE: 500 GALLONS PER DAY

ADDITIONAL NOTES:

1. PAPER STRIPPED FROM HUMBOLDT COUNTY GIS AND MODIFIED BASED ON FIELD OBSERVATION
2. SPECIFICATIONS AND GRADIENT CAN BE DETERMINED USING SCALE BAR AND UNDER VARIOUS CONDITIONS
3. NO SPOOLS, BUSSTOPS, PLACES OF WORSHIP, PUBLIC PARKS OR RECREATION
4. RESOURCES WITHIN 100 FT OF PROPERTY: 1. 100 FT WIDE GRAVEL MAIN COMMUNITY ROAD THROUGH PROPERTY - 45' - 20' WIDTH 0-10% GRADE PRIVATE DRIVEWAYS - 12' - 14' WIDTH 0-5% GRADE
5. NO OFF SITE RESOURCES WITHIN 200 YARDS SHOWN ON THE SITE PLAN (SHEET 2) OR SHEET 1
6. BUILDINGS ARE CONSTRUCTED WITH WOOD UNLESS OTHERWISE NOTED ON SHEET 2
7. BUILDINGS ARE CONSTRUCTED WITH WOOD UNLESS OTHERWISE NOTED ON SHEET 2

VICINITY LOCATION MAP



APN 221-161-040
PLOT PLAN
HUMBOLDT COUNTY, CA



Prep: JM
Draw: JM
Check: JM
Date: 6/12/17

TITLE SHEET

Sheet 1 of 2

CUP



APN 221-161-040
 PLOT PLAN
 HUMBOLDT COUNTY, CA



Drawn: JM
 Checked: JM
 Date: 6/20/17

Project: 0
 Date: 5/6/17
 Scale: AS NOTED
 Date: 6/20/17
 Sheet: 2 OF 2

SITE PLAN



LEGEND

	CLASS 3 TRIBUTARY
	ROADS
	STRUCTURES
	PRIMARY PARCELS
	ADJACENT PARCELS
	<E> CULTIVATION AREAS
	<E> CULTIVATION AREAS
	POUND
	CROSSING POINT OF DIVERSION
	SEPTIC TANK AND LEACH FIELD

NOTES

1. <E> CONTIGUOUS FROM LISRS
2. ALL FEATURE LOCATIONS ARE APPROXIMATE ONLY
3. LIST <E> = EXISTING
 <E> = PROPOSED



HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Amaranth Farms APN: 221-161-040

Planning & Building Department Case/File No.: 10659

Road Name: Doodyville Road (complete a separate form for each road)

From Road (Cross street): Ettersburg Road

To Road (Cross street): Cultivation Site

Length of road segment: 6.5 Miles miles Date Inspected: June 14, 2017

Road is maintained by: County Other Private Road Association
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Karen Hessler
Signature

June 14, 2017
Date

Karen Hessler

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works Land Use Division	✓	Conditional approval	Attached
Health and Human Services Environmental Health Division	✓	Conditional approval	Attached
CAL FIRE	✓	Conditional approval	Attached
Department of Fish & Wildlife		Conditional approval - based comments and on phone meeting reviewing project with CDFW staff on October 19, 2018	Attached
State Lands Commission		Approval – based on phone conversation with Jim Porter, Public Land Management Specialist, State Lands Commission on October 10, 2018	On file with Planning
NWIC	✓	Further study	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Humboldt County Sheriff		No response	
North Coast Regional Water Quality Control Board		Conditional approval – based on phone meeting reviewing project with RWQCB staff on October 19, 2018	On file with Planning
Sinkyone Intertribal Wilderness Tribe		No response	
Southern Humboldt Joint Unified School District		No response	
District Attorney		No response	
Agriculture Commissioner		No response	



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

4/4/2018

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Southern Humboldt Jt School District, Humboldt County Sheriff, District Attorney, Ag. Commissioner, Sinkyone Tribe

Applicant Name Amaranth Farms **Key Parcel Number** 221-161-040-000

Application (APPS#) 10659 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** AA16-257-
CUP16-047

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than 4/19/2018

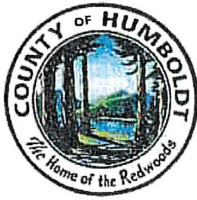
Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of Items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: _____

DATE: 6/26/18

PRINT NAME: Rudy Marenghi



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 46755/10659
Parcel No.: 221-161-040
Case No.: AA16-257/CUP16-047

The following comments apply to the proposed project, (check all that apply).

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: Revise plot plan to show all (10) CA'S at middle of parcel (drawn with dimensions/sqft), the proposed well, label dry/transport building w/ dimensions, the solar panels, 400 sqft CA not there, label 1152 sqft GH as propagation and cultivation, shop to include drying, residence to include drying, 2-story cabin to include drying, shed NE section of parcel as used for storage, and the 1000 sqft GH as existing.

Name: Rudy Mavenghi

Date: 6/26/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects,(CUP, SP, ZCC) Case number.



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3598
 AVIATION 839-5401

PUBLIC WORKS BUILDING
 SECOND & L ST., EUREKA
 FAX 445-7409
 ADMINISTRATION 445-7491
 BUSINESS 445-7652
 ENGINEERING 445-7377
 FACILITY MAINTENANCE 445-7493
 NATURAL RESOURCES 445-7741
 NATURAL RESOURCES PLANNING 267-9540
 PARKS 445-7651
 ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX
 HARRIS & H ST., EUREKA
 FAX 445-7388
 LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 1-18-2018

RE:

Applicant Name	AMARANTH FARMS
APN	221-161-040
APPS#	10659

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)** are required; See **Exhibit "D"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #4 on Exhibit "c"

Applicant submitted road evaluation that the non-county maintained road is equivalent to a car 4 road.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 10659

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and/or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

• If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 10659

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
 YES NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?
 YES NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? YES NO

If YES, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? YES NO

How to check: **Method 1:** Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel ___ of Parcel Map No. ___" then there may be deferred subdivision improvements; further research will be needed. **Method 2:** Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? YES NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Exhibit "C"

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? YES NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

- o If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
- o If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
- o If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
- o If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO** or **NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

DEH received
8-14-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

17/18-0280

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Southern Humboldt Jr School District, Humboldt County Sheriff, District Attorney, Ag. Commissioner, Sinkyone Tribe

Applicant Name Amaranth Farms Key Parcel Number 221-161-040-000

Application (APP#) 10659 Assigned Planner Cannabis Planner (CPOD) (707) 445-7541 Case Number(s) AA16-257 CUP16-047

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

4-20-18

Comments:

DEH recommends approval with the following conditions:

- (1) No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system.
- (2) An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

* Response Date: 4/19/2018 Recommendation By: Adam Malofsky

2740

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: August 17, 2017

John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)

Applicant: Amaranth Farms

APN: 221-161-040-000

Area: Ettersburg

Case Numbers: CUP16-047, AA16-257

Humboldt County Application #: 10659

Type of Application: Conditional Use Permit, Application Assistance

Date Received: 8/15/2017

Due Date: 8/29/2017

Project Description: A Conditional Use Permit for an existing 32,642 square foot outdoor and mixed-light medical cannabis cultivation operation. Water for irrigation is sourced by two (2) separate springs, one (1) proposed rainwater catchment pond, and a proposed well, all on-site. The Applicant estimates 463,131 gallons of water are required annually. there is a total of 507,000 gallons of water stored in the rainwater catchment ponds and hard tanks. Processing activities, including drying on-site, flowers will either be sent off-site to be made into medical oil or it will be trimmed by hand, on-site. Power will be provided by a propane generator and a solar system.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders

2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.

4. Growing marijuana and the extracting of oils

Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

Vendor LACO 3

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Tuesday, October 09, 2018 11:30 AM
To: Planning Clerk
Cc: Vendor LACO 3; Bauer, Scott@Wildlife
Subject: Amaranth Farms, APPS: 10659, CEQA-2017-0461, APN: 221-161-040
Attachments: CEQA Referral_APPS-10659_CEQA-2017-0461.pdf; Exhibit A_Bullfrog Management Plan-CEQA_2017_0461_HumCo-APPS-10659.pdf

To Whom it May Concern:

Please see the attached comments regarding the subject application, Amaranth Farms (APPS: 10659), CEQA-2017-0461, APN: 221-161-040.

Thank you for the opportunity to comment on this project.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Amaranth Farms		Date: 10/9/2018	
APPS No.: 10659	APN: 221-161-040	DFW CEQA No.: 2017-0461	Case No.: CUP16-047, AA16-257
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF):	<input checked="" type="checkbox"/> Outdoor (SF): 43,560 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

Please note the following information:

- A Final Lake or Streambed Alteration Agreement (1600-2017-0666) has been issued to the applicant.
- Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- The referral materials state that there is a plan to construct a rainwater catchment pond onsite. CDFW requests:
 - CDFW requests, that the pond be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond should be based on the square footage and method of cultivation in use prior to January 1, 2016.

- That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
 - That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood).
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
 - That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to kalyn.bocast@wildlife.ca.gov.

Please confirm that you have received this email.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

cc: with the following information: [illegible]
and send a copy to [illegible]
at [illegible]

[illegible]
[illegible]
[illegible]

EXHIBIT A.**BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0461-R1****GENERAL BULLFROG INFORMATION**

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

MANAGEMENT METHODS

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

In order to prevent and/or control infestations, annual pond dewatering shall be implemented, under the condition that the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and **the underside of the bullfrogs hind legs are not shaded pink or red.**